

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:

Hattie M Schaffer
Debtor

CHAPTER 13

CASE NO.: 23-13448-pmm

HEARING DATE: April 24, 2024

TIME: 1:00pm

LOCATION: Courtroom #1

**MOTION OF SERVIS ONE, INC. DBA BSI FINANCIAL SERVICES, FOR RELIEF
FROM THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(A) AND RELIEF
FROM CO-DEBTOR STAY PROVISIONS OF 11 U.S.C. § 1301 TO PERMIT MOVANT
TO COMMENCE OR CONTINUE FORECLOSURE PROCEEDINGS ON
5924 REACH STREET, PHILADELPHIA, PA 19120**

AND NOW COMES, Servis One, Inc. dba BSI Financial Services (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for relief from the automatic stay provisions of 11 U.S.C. § 362(a) and relief from the co-debtor stay provisions of 11 U.S.C. § 1301 to permit Movant to commence or continue its foreclosure on real property located at 5924 Reach Street, Philadelphia, PA 19120 (the “Mortgaged Premises”).

2. On or about October 28, 2021, Nadirah R Brunson (“Mortgagor”) executed and delivered to Allied Mortgage Group, Inc., a Promissory Note (“Promissory Note”) in the principal amount of \$166,920.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Mortgagor, granted Mortgage Electronic Registration Systems, Inc., as nominee for Allied Mortgage Group, Inc., a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the City of Philadelphia Recorder of Deeds Office on January 11, 2022 as Instrument Number 53940793. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the full recorded Assignment of Mortgage Chain is attached hereto and made apart hereof as Exhibit "C."

5. Upon information and belief, on April 8, 2023, mortgagor passed away and Debtor, Hattie M Schaffer, is the mortgagor's heir.

6. On November 14, 2023, Debtor filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.

7. The Debtor in her Schedules filed December 7, 2023, states that the current value of the Mortgaged Premises is \$180,900.00.

8. Movant filed its Proof of Claim on January 23, 2024 as Claim #16-1. The Proof of Claim is in the amount of \$169,086.17 with pre-petition arrears due in the amount of \$9,738.06 together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises.

9. As of March 15, 2024, the unpaid Principal Balance on the subject mortgage account is \$162,251.57 and the Total Debt due to Movant is \$173,593.99.

10. The Debtor in her Chap 13 Plan, states that she will make post-petition monthly payments directly to Movant.

11. As of December 29, 2023, the current monthly payment on the Mortgage is \$723.38.

12. The Debtor is currently in arrears post-petition as of March 15, 2024 for her failure to pay all of the post-petition mortgage payments due from January 1, 2024 through March 1, 2024 in the amount of \$3,333.99 (\$1,111.33 x 3 months), less a suspense balance in the amount of \$14.00, for a total amount due of \$3,319.99.

13. Consequently, Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d) (1) as the Debtor has defaulted on post-petition payments.

WHEREFORE, Servis One, Inc. dba BSI Financial Services respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) and relief from the co-debtor stay provisions of 11 U.S.C. § 1301 to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtor in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff's Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,
By: /s/ Angela C. Pattison
Angela C. Pattison, Esq.,
Attorney ID 307611
Hill Wallack, LLP
1415 Route 70 East, Suite 309
Cherry Hill, NJ 08034
Telephone 856-616-8086
Facsimile 856-616-8081
Email: apattison@hillwallack.com